


**New Adolescent Vaccines:
Legal & Legislative Issues - Consent**

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Consent - The Legal Framework

- Complex patchwork
- State & federal law
- Constitution, statutes, court decisions


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**Federal Law & Consent for
Immunizations**

- Federal law does not explicitly require parental consent for immunizations
- National Childhood Vaccine Injury Act (NCVIA) requires provision of Vaccine Information Statements (VIS) prior to each dose


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Vaccine Information Statements

- Required by NCVIA
- Must be given prior to each dose of a vaccine
 - To parent or legal representative of child to whom vaccine will be administered
 - To any adult to whom vaccine will be administered


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Legal Representative for Receipt of VIS

- "Legal representative" includes parent or any other individual who is qualified to consent to the immunization of a minor child or incompetent adult
- Source: CDC, "Instructions for the Use of Vaccine Information Statements"


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State Law & Consent for Minors' Health Care

- Basic rule = parental consent required
- Alternatives to parental consent
 - Legal guardians
 - Related caretakers
 - Foster parents
 - Court
 - Social worker or probation officer
- Minor consent

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Minor Consent Laws in 50 States & DC

- o All states have minor consent laws
- o Many laws in place for 2 or 3 decades
- o Some laws based on minor's status
- o Some laws based on services minor is seeking
- o A few laws allow treatment without consent

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Minor Consent Laws Based on Status

- o Emancipated minor
- o Married minor
- o Minor in the armed services
- o Mature minor
- o Minor living apart from parents
- o High school graduate
- o Minor over a certain age
- o Pregnant minor
- o Incarcerated minor


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Minor Consent Laws Based on Services

- o Pregnancy related care
- o Contraceptive or family planning services
- o STD/VD prevention, diagnosis, & treatment
- o Reportable disease prevention, diagnosis, & treatment
- o HIV/AIDS testing & treatment
- o Drug or alcohol counseling & treatment
- o Outpatient mental health services
- o Diagnosis & treatment for sexual assault


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Relevance to Vaccinations – Minor Status

- Minor may be able to consent based on status
- Special importance for special populations of youth who lack parental support


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Relevance to Vaccinations – Type of Service

- Minor may be able to consent based on type of service
- All states allow minors to consent for diagnosis or treatment of “sexually transmitted” or “venereal” disease
- At least 12 states allow minors to consent for care related to reportable disease


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“Prevention”

- Some state laws allowing minors to consent for care related to a sexually transmitted, venereal, or reportable disease expressly include “prevention” along with diagnosis and treatment

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When Can a Minor Consent for a Vaccination?

- Specific analysis required
- State
- Age of minor
- Capacity to give informed consent
- Legal status
- Condition for which immunization is sought

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